

REMARKS

I. Status

In the Office Action mailed May 7, 2002, the Examiner noted that claims 1-9, 11-15, 17-24, 27-29 and 31-53 were pending, and rejected claims 1-9, 11-15, 17-24, 27-29, and 31-53. Claims 1, 11, 13-15, 17, 22-24, 49-53 have been amended, claims 29, 31, 32 have been deleted, and new claims 54-58 have been added. Thus, in view of the foregoing, claims 1-9, 11-15, 17-24, 27-28, 33-58 remain pending for reconsideration, which is requested. No new matter has been added. The applicant respectfully traverses the rejection.

II. Preliminary Issues

To comply with action items 1 and 2 of the Office Action, claims 31-32 have been canceled.

III. Drawings

Figures 2-5 have been added along with text explaining the figures. No new matter has been added by these drawings which are supported by the specification. Figure 2 and related text is supported by page 8, lines 3-6. Figure 3 and related text is supported by line 20, page 11 to line 10, page 12. Figure 4 and related text is supported by line 20, page 11 to line 10, page 12. Figure 5 and related text is supported by line 11, page 12 to line 23, page 15. The Applicant submits that the relationship of the current system state and previous state is determined with a fair degree of certainty using Figure 5 and the text of the specification as explained in detail in the previous Amendment of February 6, 2002. The Applicant further request that the Examiner accept the other remaining terms as being explained with certainty as supported by the specification and explained in the previous Amendment of February 6, 2002.

The Applicant requests that the Examiner accept the drawings and complying with the intention of 37 CFR 1.83(a).

IV. Rejection of claims under 35 U.S.C. § 112, first paragraph

Claims 1-9, 11-15, 17-24, 28, 29, 34, 35, and 38-44 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, as the time the application was filed, had possession of the claimed invention.

Claims 1-9, 11-15, 17-24 and 38-44

The examiner objects that the application does not describe in detail or illustrate by the drawing to enable the examiner to understand the claimed limitation "a current system state of the controller related to previous system state of the controller".

The specification has been amended to add drawings Figures 2-5. The Applicant submits that these drawings in combination with the specification, which was explained in the Amendment of February 6, 2002 enables one skilled in the art to make and use the invention recited in the claims.

Claims 15, 24 and 28

The Examiner objects that there is no disclosure for how the controller communicates with the cable company or station. The applicant respectfully traverses this objection.

The specification discloses:

"When the controller 10 times-out, it is no longer under the control of the previous user. The controller instead may enter into a default state, power down, or switch to a state representing another user's preference and/or privileges.

The default state may be desirable, e.g., for guests and other users not known to the controller, to allow them access to basic functionality of the devices being controlled, without sacrificing any desired parental control, security, etc. For example, a default state may prevent access to pay-per-view

programming, certain channels, etc., and may prevent use functions associated with conducting e-commerce using pre-authorized credit information, etc. The particular default state criteria may be determined or programmable by the primary user, such as a parent."

page 14, line 19 - page 15, line 7

A person skilled in the art at the time of the invention who reads the specification will be able to make and use the multi-user access controller of the present invention having a default state which prevents use of the controller for accessing pay-per-view programming. The applicant respectfully submits that it is not necessary to provide details on how a controller communicates with a cable company because the techniques for coupling a television set to a cable company (for example, using a set-top box) are already well-known to one skilled in the art at the time of the invention.

Claim 29

Claim 29 has been deleted.

Claims 34 and 43

The Applicant respectfully disagrees with the Examiner's rejection that with regard to claims 34 and 43 the specification does not disclose or teach how to switch from the first system state at a time calculated by an algorithm which incorporates a category of use associated with the consumer device. Applicant directs the Examiner's attention to the specification on page 6, lines 3-9, and to page 14, lines 18-19 which state "For example, the time-out algorithm may incorporate factors such as the identity or class of the user, the time of day or night, the category of use (e.g., listening to CDs, watching TV, etc.),".

Claims 35 and 44

The Applicant respectfully disagrees with the Examiner's rejection that with regard to claims 35 and 44 the specification does not disclose or teach how to switch from the first system state at a time calculated by an algorithm which incorporates a subject matter of activity within a category of use associated with the

consumer device. In addition to the remarks of the immediately preceding paragraph, the Applicant directs the Examiner's attention to the specification at page 14, line 20, which explicitly discusses switching from the first system state at a time calculated by an algorithm which incorporates a subject matter of activity within a category of use associated with the consumer device.

Claims 45-48 and 50

The Applicant respectfully disagrees with the Examiner's rejection stating that the "default state" and "time-out" feature are presented separately.

The specification of page 14, line 19 - page 15, line 7 cited above states that when the controller times out it may enter into a default state, and that one of those default states may be the prevention of access to pay-per-view programming.

V. Rejection of claims under 35 U.S.C. § 103(a)

Claims 1-4, 9, 11-15, 17, 18, 20-24, 27-29 and 31-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Merjanian and further in view of Applicant's Admitted Prior Art (AAPA). The applicant respectfully traverses this rejection.

The present invention recites a controller for a consumer device which allows multiple users access to the consumer device which each user having its own private state wherein preferences for said user can be stored. For example, claim 1 recites "establishing a system state of the controller related to a first system state of the controller that was in effect after a previous use of the controller by the first user and before use of the controller by the second user" (claim 1, lines 5-7). Similarly, Independent claims 17, 27, 38 recite "the controller...is programmed to enter a system state related to a previous system state of the controller that was in effect after a previous use of the controller by the first user and before a use of the controller by a second user" (claim 17, lines 4-6), "providing access to a first set of functionality of a consumer device

by use of the controller, said access being dependent upon the identity of the first user" (claim 27, lines 7-8), and "switching to a second system state ...said second system state being related to a previous system state of the controller that was in effect after a previous use of the controller by a second user which occurred prior to establishing the first system state" (claim 38, lines 9-13). Similarly, independent claims 45, 49, 51, 52, and 53 recite to establishing a system state of the controller different from a previous system state of the controller that was in effect after a previous use of the controller by the first user and before a use of the controller by a second user.

Park discloses a multifunction remote controller having a fingerprint recognizer. However, Park does not disclose, as recited in the present invention, a controller which allows uses among multiple users wherein each user has its own private state.

Merjanian discloses an ergonomic fingerprint reader. The Examiner cites to column 3, lines 27-53, particularly column 3, lines 47- 53 which discloses "storing the preference setting for several operators to allow the preference setting to be adjusted to each operator in response to a finger print match" (48-50, column 3). However, as admitted by the Examiner, the combination of Park and Meryanian does not disclose expressly establishing the states of the controller when used by different users (Office Action of May, 7, 2002, page 7, lines 12-14). To provide a disclosure of these missing elements, the Examiner refers to the Applicant's Admitted Prior Art (page 3, line 20 through page 4, line 7).

The Applicant's Admitted Prior Art of the above noted sections describes an example of a computer operating system having a super-user and users. In this system, the super-user can log-in to the system at any time. If the super-user changes the environment, that environment will remain unless the super-user manually restores the original user's last state. In contrast, the present invention automatically restores the current state of a controller to a first state which was defined by a first user after a second user subsequently altered the current state to a second state defined by the second user. Thus, the claims of

the present invention which recite to a controller which allows sharing among multiple users, each user having its own state is an advancement over the prior art which provided no such capability. The Applicant's Admitted Prior Art (AAPA) does not disclose this system allowing sharing among multiple users, each having its own private state, nor does the AAPA provide motivation for such a system, but merely points out that a super-user could in an informal way restore the system to another state. The purpose of this disclosure was only to point out the limitations of the current prior art which the present invention solves.

Furthermore, it should be noted that when the super user logs on a second time, the state for the super user is not restored to the previous state as is done in the present invention. Hence, the present invention is not disclosed in the AAPA by the actions of the super user either.

Therefore, the present invention recited in independent claims 1, 17, 27, 38, 45, 49, 51-53 and depending claims therefrom is not rendered obvious by the cited prior art.

Claims 5-8 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Merjanian and the Applicant's Admitted Prior Art (AAPA), and further in view of Sirbu.

Sirbu is cited for its disclosure of an input component which is a microphone. The claims 5-8 and 19 being dependent on independent claims 1 and 17, respectively, are non-obvious over the prior art for the same reason as claims 1, 17 discussed above.

VI. Dependent Claims

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite features not taught or suggested by the prior art. For example, claim 22 recites the current state is substantially identical to the previous state. Nothing in the prior art teaches or suggests such a feature. The other

dependent claims also recite additional distinguishing features. It is submitted that the dependent claims are independently patentable over the prior art.

VII. New Claims

New claims 54-58 recite that the features of the present invention. It is submitted that the new claims distinguish over the prior art. No new matter has been added. For example, claim 54-58 are supported by the specification, particularly page 11, line 20 to page 12, line 10 and page 12, line 11 to page 15, line 23.

VIII. Concluding Matters

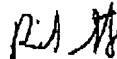
In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims distinguishes over the prior art, and therefore, defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowance of all the pending claims is respectfully requested.

Should there be any remaining questions to correct format matters, it is urged that the Examiner contact the undersigned attorney with a telephone interview to expedite and complete prosecution.

If any further fees are required in connection with the filing of this response, please charge same to our Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

On page 8, line 19, a paragraph has been inserted.

On page 12, line 10, a paragraph has been inserted.

Page 12, line 11-12 have been amended as follows:

As shown in Figure 5, various [Various] algorithms 320 may be used to determine what system state to present to a user upon log-in. The initial system state 330 is determined by and is related to the previous system state 310 using an algorithm 320.

In the claims:

- 1 1. (TWICE AMENDED) A method for accessing functionality of a consumer
- 2 device comprising the steps:
- 3 receiving bio-metric input of a first user into a bio-metric user-identification
- 4 input component of a controller;
- 5 establishing a [current] system state of the controller related to a [previous]
- 6 first system state of the controller that was in effect after a previous use of the
- 7 controller by the first user and before a use of the controller by a second user; and
- 8 providing access to functionality of a consumer device by use of the
- 9 controller;
- 10 wherein said access is dependent upon the bio-metric input;
- 11 wherein said use of the controller by the second user caused the controller
- 12 to have a second system state different than the [previous] first system state.

1 11. (ONCE AMENDED) The method of Claim 1, wherein the controller comprises
2 a display area, and further comprising the step of displaying on the display area
3 data representing the [current] system state.

1 13. (ONCE AMENDED) The method of Claim 1, wherein the [current] system
2 state is substantially identical to the [previous] first system state.

1 14. (ONCE AMENDED) The method of Claim 1, wherein the [current] system
2 state is identical to the [previous] first system state.

1 15. (ONCE AMENDED) The method of Claim 1, wherein the [current] system
2 state prevents use of the controller for accessing pay-per-view programming.

1 17. (TWICE AMENDED) A controller comprising:
2 a bio-metric input component; and
3 a graphical display;
4 wherein the controller, upon log-on thereto by a first user, is programmed
5 to enter a [current] system state related to a previous system state of the controller
6 that was in effect after a previous use of the controller by the first user and before
7 a use of the controller by a second user, both uses occurring before said log-on;
8 wherein said log-on occurs in response to the first user inputting bio-metric
9 input into the bio-metric input component.

1 22. (ONCE AMENDED) The controller of Claim 17, wherein the [current] system
2 state is substantially identical to the previous system state.

1 23. (ONCE AMENDED) The controller of Claim 17, wherein the controller is
2 programmed to display a representation of the [current] system state on the
3 display.

1 24. (ONCE AMENDED) The controller of Claim 17, wherein the [current] system
2 state prevents use of the controller for accessing pay-per-view programming.

1 49. (ONCE AMENDED) A method of allowing access to functionality of a
2 consumer device comprising the steps:
3 receiving a bio-metric input of a first user into a bio-metric user-identification
4 input component of a controller;
5 establishing a [current] system state of the controller similar to a previous
6 system state of the controller that was in effect after a previous use of the controller
7 by the first user and before a use of the controller by a second user; and
8 providing access to functionality of a consumer device by use of the
9 controller;
10 wherein said access is dependent upon the bio-metric input;
11 wherein said use of the controller by the second user caused the controller to have
12 a system state different than the previous system state.

1 50. (ONCE AMENDED) The method of Claim 15 wherein the [current]
2 system state prevents use of the controller for accessing pay-per-view
3 programming by a time-out feature or a lock feature.

1 51. (ONCE AMENDED) A method of accessing functionality of a consumer
2 device comprising the steps:
3 receiving a bio-metric input of a first user into a bio-metric user-identification
4 input component of a controller;
5 establishing a [current] system state of the controller similar to a previous
6 system state of the controller that was in effect after a previous use of the controller
7 by the first user and before a use of the controller by a second user; and
8 providing access to functionality of a consumer device by use of the
9 controller;
10 wherein said access is dependent upon the bio-metric input;
11 wherein said use of the controller by the second user caused the controller
12 to have a system state similar to the previous system state.

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1 52. (ONCE AMENDED) A method of accessing functionality of a consumer
2 device comprising the steps:
3 receiving a bio-metric input of a first user into a bio-metric user-identification
4 input component of a controller;
5 establishing a [current] system state of the controller different from a
6 previous system state of the controller that was in effect after a previous use of the
7 controller by the first user and before a use of the controller by a second user; and
8 providing access to functionality of a consumer device by use of the
9 controller;
10 wherein said access is dependent upon the bio-metric input;
11 wherein said use of the controller by the second user caused the controller
12 to have a system state different than the previous system state.

1 53. (ONCE AMENDED) A method of accessing to functionality of a
2 consumer device comprising the steps:
3 receiving a bio-metric input of a first user into a bio-metric user-identification
4 input component of a controller;
5 establishing a [current] system state of the controller different from a
6 previous system state of the controller that was in effect after a previous use of the
7 controller by the first user and before a use of the controller by a second user; and
8 providing access to functionality of a consumer device by use of the
9 controller;
10 wherein said access is dependent upon the bio-metric input;
11 wherein said use of the controller by the second user caused the controller
12 to have a system state similar to the previous system state.

New claims 54-58 have been added.